

### REMARKS

Reconsideration of Applicant's Claims is respectfully requested.

Applicant has re-written Claims in the form of newly presented claims 15, 16 and 17, which are independent form and which have been amended to more clearly recite Applicant's invention. Basically, these Claims avoid the prior art references because the combination of references cited by the Examiner do not meet the terms of the new Claims since these Claims have been written in independent form with a combination of elements not anticipated nor disclosed in the combination of references cited by the Examiner.

Such a combination of prior art references as cited by the Examiner without a suggesting factor other than the Applicant's disclosure amounts to no more than a hindsight reconstruction and does not establish obviousness. The prior art combined references, in order to be properly combined to anticipate a claimed invention, must include some suggestion in any of the references that such combination can be made. It is not a question of finding element for element in the prior art but it is the combination of these elements and the suggestion that the combination can be made without employing Applicant's disclosure.

In the In re John R. Fritch, the U.S. Court of Appeals, Federal Circuit was concerned with the issue of whether the Board of Patent Appeals & Interferences erred in affirming the Examiner's determination that the prior art basic reference of Wilson (grass edging and watering device) and secondary reference Hendrix (loose material retainer strip) rendered the subject matter of Fritch's claims (landscape edging device) obvious to one of ordinary skill in the art. The Court in reversing the Board said that:

"Obviousness is a question of law to be determined by the facts." and that: "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to so do . . . . The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification . . . . It is impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious."

Examiner's attention to Applicant's employment of a long compression spring that stores energy with and during a sweeping procedure and at the end of a stroke, releases the stored energy to self propel the broom forward for ease of use.

In view of the foregoing, it is respectfully requested that Applicant's Claims 15, 16 and 17 be found allowable and that the present Application be passed for issuance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Roger A. Marrs".

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